



**To:** BOS\_Legislative Assistants Only,  
**Cc:** cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
**Bcc:**  
**Subject:** Fw: Sierra Club's Appeal: Item #39  
**From:** Board of Supervisors/BOS/COSLO - Monday 06/15/2015 11:31 AM  
**Sent by:** Tessa Cornejo/Admin/COSLO

----- Forwarded by Tessa Cornejo/Admin/COSLO on 06/15/2015 11:31 AM -----

**From:** patindi@aol.com  
**To:** boardofsups@co.slo.ca.us  
**Date:** 06/15/2015 11:29 AM  
**Subject:** Sierra Club's Appeal: Item #39

---

Board of Supervisors  
San Luis Obispo County  
1055 Monterey Suite D430  
San Luis Obispo, CA 93408

Re: Sierra Club Appeal of Planning Commission's Approval of Conditional Use Permit for California Flats Solar Project.

Dear Board of Supervisors,

Mr. Hill  
Mr. Gibson  
Mr. Mecham  
Mrs. Arnold  
Mrs. Compton

I am sorry we were unable to meet before our scheduled appeal hearing on June 16, 2015. The Sierra Club is appealing Planning Commission's Approval of Conditional Use Permit for California Flats Solar Project on the grounds that its final EIR does not address many CEQA and NEPA Laws. We are not opposed to the Project in general but to the lack of mitigation measures it offers to endangered species and habitats. I am sending you all a copy of my presentation and I hope you have time to review it and that you take our appeal seriously.

Patrick McGibney  
Vice Chair  
Santa Lucia Chapter, Sierra Club



**Missing attachment from Sierra Club email this morning**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

06/15/2015 01:06 PM

Sent by: **Tessa Comejo**



doc02619720150615131327.pdf

Thank you!



# California Condors: Federal & State



## Fully Protected

**Santa Lucia Chapter**

**Sierra Club**

Item No. 39  
Meeting Date: June 16, 2015  
Presented by: Patrick McGibney  
Rec'd prior to meeting & posted to web on: June 15, 2015



This appeal is not in opposition to this solar project, but to the lack of an adequate EIR upholding and supporting CEQA and NEPA laws.

The Sierra Club is a strong proponent of renewable energy. The goal of our Beyond Coal Campaign is to eliminate the need for fossil fuels. Alternative energies like wind and solar are needed and promoted.

\* Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued.

\* The stated purpose of the Endangered Species Act is to protect species and also "the ecosystems upon which they depend."

This Project will eliminate roughly 3000 acres of Condor foraging habitat.

### **Potential Threats from this Project to Condors:**

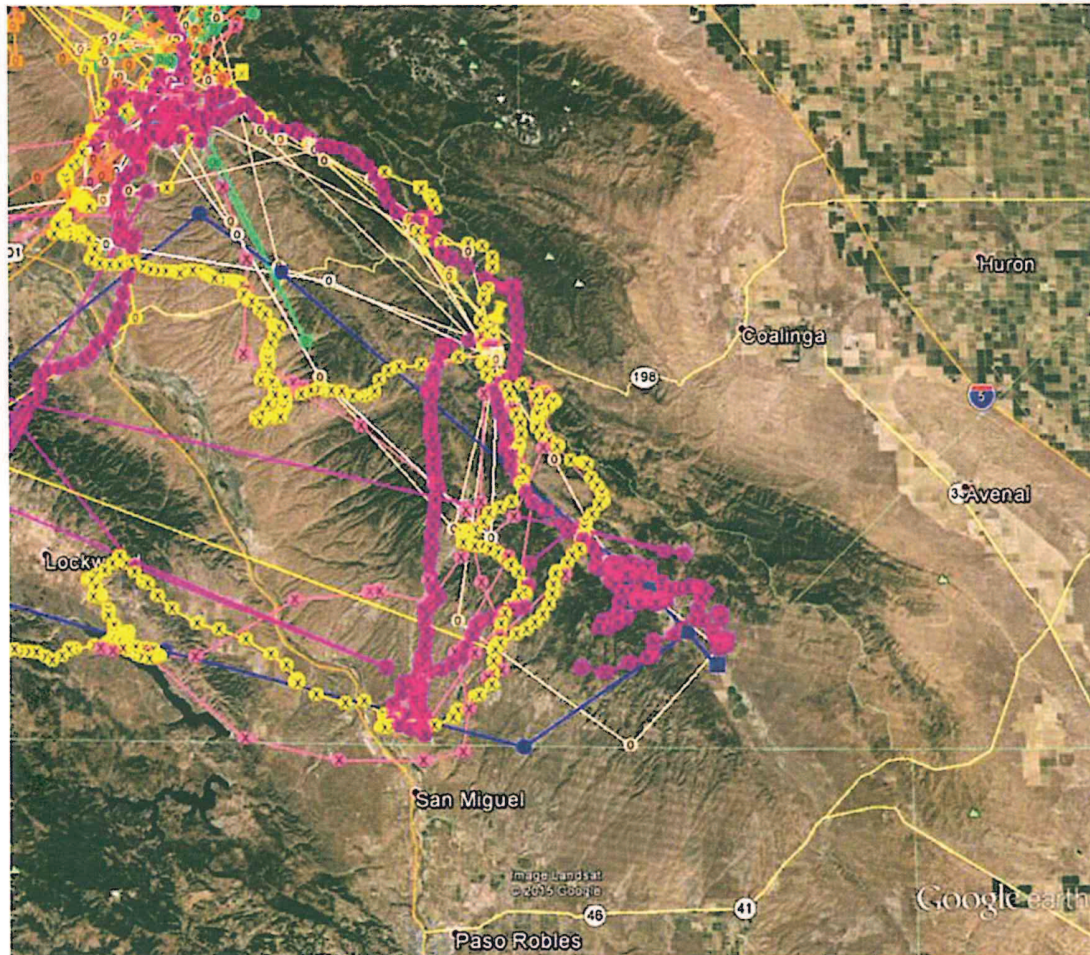
- Collision with & electrocution from power transmission lines and poles
- Ingestion of lead from ammunition due to hunting activities on the Jack Ranch
- Ingestion of micro trash (bottle caps, screws, etc.)
- Incompatible development within condor habitat

The following map was sent by the US Fish and Wildlife Service lead biologist for the California Flats Project. The different colors represent different birds. Correspondences follow:





A map of California condor use for the past 30 days in southeast Monterey County, California.



Only 10% of the Central Coast flock have transmitters that produce the data captured in this map. Each color is a unique individual. The circles generally marked with an “x”, and often very close together, are from transmitters that collect location data on a frequent basis (sometimes minutes apart). The circles and squares that are farther apart and connected by straight lines are from transmitters that provide locations approximately once per hour. The straight lines indicate the shortest distance between two points and may not accurately reflect the actual flight path of the individual condor.



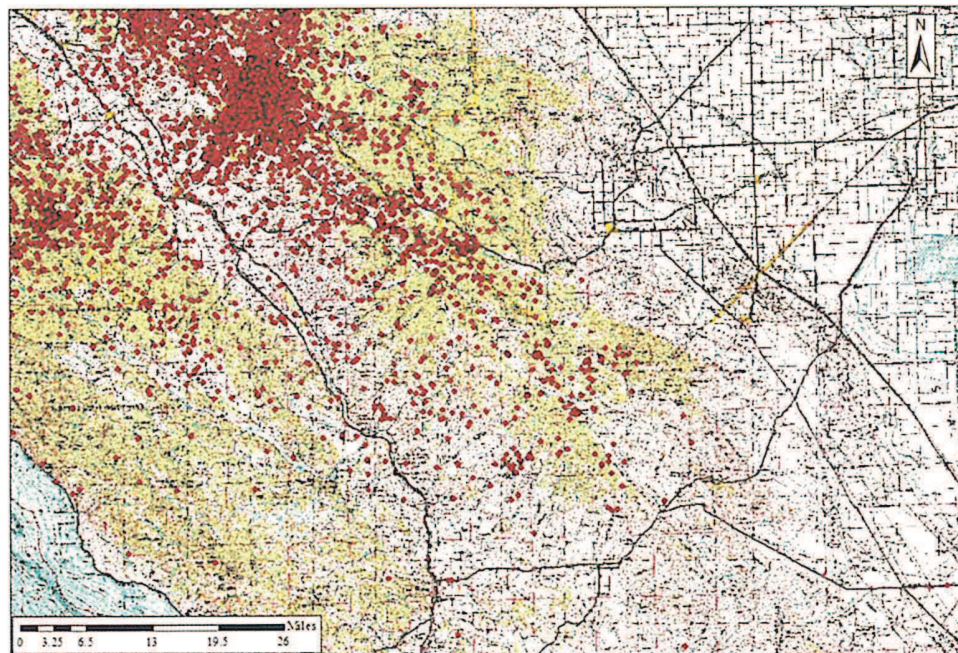


Hi Patrick,

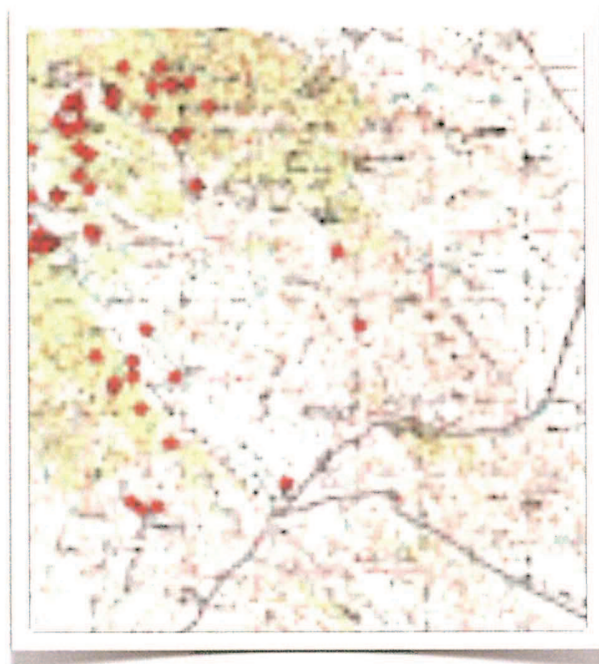
I've attached map, wider in scope than you may have needed, that includes locations from GPS tags on a total of 7 condors in the central CA area. The duration when condors have these tags on varies but all the points on the map are within the date ranges of Jan 2013 - Aug 2014. In addition, only a small portion of the central CA flock have GPS tags, so these points represent where we know some of the birds were, but does not represent a complete picture of all the areas all the birds in central CA use.

I hope this meets your needs.

Condor Program Manager  
Pinnacles National Park  
5000 Highway 146  
Paicines, CA 95043







This is a detail showing the junction of Highway 41 and 46, bottom center. The red dot above the junction shows a tagged Condor right where the Access road begins. This is in SLO County. The project is located just above and to the left of this red dot. You can see other GPS-equipped Condors that have encircled the project. Again this only represents 7 Condors out of the 70 that are in this area.

Thanks so much, Rachel. . . We understand that the survey method the Applicant used to determine the non-presence of condors at this site over the last 3 years was to fly up in a helicopter at various intervals during that time period and look for condors. Have you ever heard of such a tracking method, or is this considered in any way to be an acceptable or standard way of determining the presence of condors in a given area?

Best regards,

**Santa Lucia Chapter**

**Sierra Club**



Patrick  
Hi Steve,

I'm wondering if you might be able to help with Patrick's question?  
I feel that USFWS is the appropriate agency to help with this  
rather than NPS.

Thanks,  
Rachel

[Steve XXXXX@fws.gov](#)

I agree with Rachel that the whole area is considered part of the  
range and condors could show up at any given time.

On Wed, Jun 3, 2015 at 11:13 AM, Patrick wrote:

Thank you, Steve. The project area in question is south of  
Parkfield in SE Monterey County on the Jack Ranch, bounded by  
the Y of Highways 41 & 46, adjacent to and just SW of the  
Oropesa Ranch. The condor map indicates that GPS-equipped  
condors have been present south, east, west, and north of it, and  
since only 10% of the central CA population is GPS-equipped, are  
you saying that individuals in the other 90% could have visited, or  
could at any time?

Best Regards,  
Patrick

**Steve** [XXXXXX@fws.gov](#) wrote:

Patrick,

I know the area well. Yes, it's fair to say that all condors could visit  
the site at any time or could have visited the sites undetected.





Additionally, we anticipate the portion of the condor range between the Central CA flock and SoCal flock to fill in over time. SoCal birds already take flights into SLO (I think recently we have had Central and SoCal birds within 30 miles of each other, and some Central CA birds have integrated into the SoCal flock. Therefore, the data set Rachel provided you is only a portion of the birds with the potential to occur at in and around the proposed project area.

**California Flats Solar Project County of Monterey FEIR states:** Potential for [California Condor] Occurrence within the Project Site and Access Road is “Unlikely” (4.4-63).

**Avian Electrocution Avoidance and Minimization (4.4-141.3.)** in the EIR states: “Implement Project-specific design measures in accordance with the APLIC guidelines for minimizing avian electrocutions. The applicant shall construct and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC guidelines for minimizing avian electrocutions (Avian Protection Plan Guidelines; APLIC 2006). Specific APLIC guidelines to be incorporated into the design of the transmission lines to minimize avian electrocutions shall include the following:

- a) Design the tops of structures to be safe for perching raptors.
- b) Provide 60 inches separation between energized conductors.”

While this is fine for birds such as the golden eagle, we are concerned that the Final Environmental Impact Report does not *provide sufficient protection for the condor from electrocution by power lines*. The condor’s wingspan is 109 inches. A minimum of



83 inches of separation between electrical conductors is vital to protect the California Condor from electrocution.

In addition, the Avian Power Line Interaction Committee guidelines provide a lot of information about power line markers. However, *we could find nothing in the guidelines that would require the use of power line markers.* The project plan should specifically require power line markers.

### Sierra Club's request for the California Condor:

- We ask that the project standards be modified to include the statement, "Line spacing shall accommodate protection of the California Condor and shall be a minimum of 83 inches."
- A Condor specific supplemental EIR, expedited within 30 days and brought back to the Planning Commissions of Monterey and San Luis Obispo Counties for approvals.
- Appropriately located and proportioned Condor mitigation lands of at least 2200 acres. The Oropesa Ranch would help meet these requirements.
- Ban of lead ammunition on Project Site and environs.

Respectfully submitted,  
Patrick McGibney  
Vice Chair, Santa Lucia Chapter, Sierra Club

**Santa Lucia Chapter**

**Sierra Club**